

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)
OF NORTHERN ILLINOIS WELFARE AND)
PENSION FUNDS,)

Plaintiffs,)

v.)

R WAY TRUCKING, INC.,)
an Illinois corporation)

Defendant.)

No. FILED: JUNE 9, 2008

08CV3308

Judge JUDGE DER-YEGHIAYAN

MAGISTRATE JUDGE MASON

PH

COMPLAINT

Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds"), by their attorneys, John J. Toomey, of Arnold and Kadjan, complain against Defendant, R WAY TRUCKING, INC. an Illinois corporation, as follows:

COUNT I

JURISDICTION AND VENUE

1. (a) Jurisdiction of this cause is based upon Section 502 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1132 ("ERISA") and 29 U.S.C. 1145 as amended.

(b) Venue is founded pursuant to 29 U.S.C. Section 1132(e) (2) in this district, where the Funds as described in Paragraph 2, are administered and 185(c).

PARTIES

2. (a) Plaintiffs are the TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds") and have standing to sue pursuant to 29 U.S.C. 1132(a)(3).

(b) The SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS have been established pursuant to collective bargaining agreements previously entered into between the International Brotherhood of Teamsters and its affiliated locals ("the Union") and Employers;

(c) The Funds are maintained and administered in accordance with and pursuant to the provisions of the National Labor Relations Act, as amended, and other applicable state and federal laws, and also pursuant to the terms and provisions of the Agreements and Declarations of Trust which establish the Funds.

3. (a) R WAY TRUCKING, INC. an Illinois corporation, employs employees represented by the Union and is bound to make contributions for weeks worked by all employees and upon subcontractors who perform work which would otherwise be performed by employees.

(b) R WAY TRUCKING, INC. is an Illinois corporation, with its principal place of business at Morris, Illinois.

(c) R WAY TRUCKING, INC. an Illinois corporation, is an employer engaged in an industry affecting commerce.

4. R WAY TRUCKING, INC. an Illinois corporation, entered into an agreement with Teamsters 179 for the period from June 1, 2006 through May 31, 2009 which require contributions to the Funds pursuant to 29 U.S.C. 1145.

5. Pursuant to the collective bargaining agreements between R WAY TRUCKING, INC., an Illinois corporation and the Union, R WAY TRUCKING, INC., has failed and continues to fail to make its obligated contributions to the Fund for the period August, 2007 through November, 2007, as disclosed in an audit which took place on April 5, 2008.

6. The audit disclosed \$1,790.15 due the Pension Fund and \$2,706.30 due the Welfare Fund for a total of \$4,496.45.


WHEREFORE, Plaintiffs pray:

A. This court enter judgment in favor of the Plaintiffs and against R WAY TRUCKING, INC., an Illinois corporation, in the amount of the audit, \$4,496.45.

B. That this court award the plaintiffs their attorneys' fees, costs, interest, and liquidated damages pursuant to 29 U.S.C. 1132(g)(2) and the relevant collective bargaining agreements and trust agreements.

C. That the Court grant such further relief as is proper.

TRUSTEES OF THE SUBURBAN TEAMSTERS
OF NORTHERN ILLINOIS WELFARE AND
PENSION FUNDS

By: 
One of Its Attorneys

John J. Toomey
ARNOLD AND KADJAN
19 West Jackson Boulevard
Chicago, Illinois 60604
(312) 236-0415

R. Way Trucking, Inc.
002499102

AREA CONSTRUCTION AGREEMENT

BETWEEN

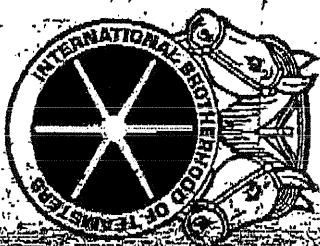
TEAMSTERS LOCAL 179

An Affiliate of the

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

And

CONTRACTORS ASSOCIATION OF
WIL AND GRUNDY COUNTIES



JUNE 1, 2006 THROUGH MAY 31, 2009

FOR NON-ASSOCIATION EMPLOYERS

FOR TEAMSTERS LOCAL 179

BY:

TITLE:

DATE:

FOR THE COMPANY

COMPANY:

ADDRESS:

MOBILE

CITY:

PHONE:

BY:

TITLE:

DATE:

General Chauffeurs, Sales Drivers and Helpers

Local Union No. 179

Affiliated with the International Brotherhood of Teamsters



MAIN OFFICE:
1000 N. E. I-55 FRONTAGE RD
JOLIET, ILLINOIS 60431
PHONE (815) 741-2200
FAX (815) 741-2278

SUB OFFICE:
SHERMAN & LADD
PONTIAC, ILLINOIS 61764
PHONE: (815) 644-5084

To: Suburban Teamsters Fringe Benefits – Compliance Dept.
1275 W. Roosevelt Road, #121
West Chicago, IL 60185

May 22, 2007

Re: NEW EMPLOYER

Company Name: R Way Trucking, Inc.

Mailing Address: 1247 Trend Dr., Morris, IL 60450

Phone: 708-212-2412

Company Officer: Christopher G. Ehrman

Company Contact Same As Above

Collective Bargaining Agreement (enclosed):

Type of contract: CON

Date signed: 5/10/07

Initial Contribution Rates:

Effective date:	6/1/06	6/1/07	6/1/08
Welfare:	\$5.50	\$6.00	TBA
Pension:	\$155.00	\$163.00	TBA

Participants

Have not yet received cards on anyone.

em# 4767

HAVE IT DELIVERED UNION!